

Notice of Allowability

Application No.

09/521,805

Applicant(s)

DONOHO ET AL.

Examiner

Art Unit

Vanel Frenel

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/23/07.
2. ☒ The allowed claim(s) is/are 1, 15, 20 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 03232006
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Notice to Applicant

1. This communication is response to the Notice of Non-Compliance filed on 12/28/04. Claims 1, 15, 20 and 34 are pending.

Allowable Subject Matter

2. Claims 1, 15, 20 and 34 are allowable. The following is an examiner's statement of reasons for allowance.

Claim 1 is directed to "wherein said advice provider includes one or more of: a suggestion to the user to modify usage patterns; a suggestion to the user to read a document; a proposal to upgrade to a new software version; a proposal to modify system settings; a proposal to run a certain script to effect a solution; or a proposal to download and execute special applications to correct the situation; without compromising individual privacy.

The closest prior art of record Herz (6,029,195) teaches system for customized electronic identification of desirable objects.

Basche (6,119,164) teaches method and apparatus for distributing over a network unsolicited information to a targeted audience.

Pant et al (6,012,053) teaches computer system with user-controlled relevance ranking of search results.

Grasso et al (5,892,909) teaches intranet-based system with methods for co-active delivery of information to multiple users.

However, none of the cited prior art above disclose or fairly/suggest "wherein said advice provider includes one or more of: a suggestion to the user to modify usage patterns; a suggestion to the user to read a document; a proposal to upgrade to a new software version; a proposal to modify system settings; a proposal to run a certain script to effect a solution; or a proposal to download and execute special applications to correct the situation; without compromising individual privacy.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael A. Glenn. During the interview, Attorney agrees to cancel the following words "offers highly targeted advice" to include one or more of: a suggestion to the user to modify usage patterns; a suggestion to the user to read a document; a proposal to upgrade to a new software version; a proposal to modify system settings; a proposal to run a certain script to effect a solution; or a proposal to download and execute special applications to correct the situation; without compromising individual privacy into claims 1 and 20 so that the case will be in condition for allowance. No further questions were discussed.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3627

V.F
V.F

April 13, 2007

Andrew Joseph Rudy

Primary Examiner, AU 3627